

REMARKS

Claims 12 and 13 are objected to as indicated.

Claims 5, 12, 13, and 29-32 are rejected under 35 USC 112, second paragraph, for alleged indefiniteness.

Claims 1-36 are rejected under 35 USC 103(a) as being unpatentable over Ferguson (US Patent No. 5,256,863) in view of Nordenstam (WO 00/46959).

In accordance with the foregoing, the claims have been amended, and thus, pending claims remain for reconsideration which is respectfully requested. No new matter has been added in this Amendment.

The objections and rejections are traversed.

CLAIM OBJECTIONS AND 35 USC 112, SECOND PARAGRAPH, REJECTION

According to the foregoing, the claims are amended taking into consideration the Examiner's comments.

Regarding claims 12 and 13, these claims were amended in the previous amendment to depend from claim 4, and, thus, claims 12 and 13 do not depend from claim 6 .

Accordingly, withdrawal of the 35 USC 112, second paragraph, rejection is respectfully requested.

35 USC 103 PRIOR ART REJECTIONS

The independent claim is 1. For example, the present Application paragraphs 199+, 243 (523) (Private Identification Entry), 239-259, 474-503, and FIGS. 57-63 support the claims.

The Office Action Response to Arguments relies upon MPEP 2114 that claims directed to an apparatus must be distinguished in terms of structure rather than function alone. The claims are amended taking into consideration the Examiner's comments and in view of the telephonic interview with the Examiner on January 18, 2008 discussing claim 1.

According to the foregoing, claim 1 is amended, and, for example, paragraph 487 supports the claim amendments. The languages of the claims are directed to a "mobile device comprising a controller prompting input of a first non-stored and non-transmitted parameter and a storage storing a second non-transmitted parameter," "a merchant device" and a "a trusted secure transaction server (STS) device comprising a controller and a storage storing the first non-stored and non-transmitted parameter input to the consumer mobile device and the second

non-transmitted parameter." A *prima facie* case of obviousness has not been established based upon Ferguson and Nordenstam, because a combination of Ferguson and Nordenstam fails to disclose expressly or implicitly to one skilled in the art to combine Nordenstam with Ferguson and then further modify such a combined system to achieve the combination of the present claimed elements. For example, as acknowledged by the Examiner, Ferguson does not describe a wireless network for a purchase transaction, but in particular Ferguson does not contemplate expressly or implicitly to use an open and non-secure wireless channel for securely conducting a purchase transaction.

Further, Ferguson's universal system controller 10, which is relied upon by the Office Action for allegedly corresponding to the claimed STS, receives point of sale (POS) information (column 7, lines 21-29), but Ferguson's system controller 10 fails to expressly or implicitly disclose the claimed secure transaction server "verify a purchase transaction between the merchant and the consumer over the open and non-secure wireless communication channel based upon both at the first input non-stored and non-transmitted parameter input to the consumer mobile device and at the second stored and non-transmitted parameter of the consumer mobile devicedevice, identifying the consumer to the STS device." Again, Ferguson does not contemplate expressly or implicitly to use an open and non-secure wireless channel for securely conducting a purchase transaction, thus there is no evidence in Ferguson for one skilled in the art to modify Ferguson's system controller 10 to verify a purchase transaction based upon "both at the first input non-stored and non-transmitted parameter input to the consumer mobile device and at the second stored and non-transmitted parameter of the consumer mobile devicedevice, identifying the consumer to the STS device."

Nordenstam describes a mobile terminal that stores a virtual service card for a purchase transaction (Nordenstam pages 8-9, FIG. 2), which involves storing user identifying information in the mobile device, such as card number, expiry date, cardholder and card issuer (Nordenstam page 10, lines 1-3), and Nordenstam page 25+ describes security schemes using private key of card issuer to encrypt the virtual service card information, using transaction numbers, using PIN code/biometric codes to access information on the mobile device, public-private key, and the SET protocol for information confidentiality, payment information integrity and merchant/cardholder authentication. Nordenstam page 26, lines 4-11 discuss storing the PIN and/or biometric codes in conventional computer memory, or special hardware in a SIM card or in the mobile terminal. However, even if one skilled in the art combined Nordenstam with Ferguson, the combined system would not achieve the claimed embodiment, because there is

no evidence one skilled in the art would modify Nordenstam's security schemes to provide the claimed "wherein the consumer mobile device, merchant device and the STS device each comprise a controller executing over the open and non-secure wireless communication channel, a symmetric agreement verification protocol as a Secure Transaction Protocol verifying controllers verify a purchase transaction between the merchant and the consumer over the open and non-secure wireless communication channel based upon both at the first input non-stored and non-transmitted parameter input to the consumer mobile device and at the second stored and non-transmitted parameter of the consumer mobile device, identifying the consumer to the STS device," and seen a benefit of a mobile device not storing or transmitting a first parameter (See the present Application paragraph 474 and 487) and storing but not transmitting a second parameter for conducting a secure purchase transaction over an open and non-secure wireless communication channel. In other words, a benefit of the claimed embodiments is the consumer is identified to the secure transaction server based upon a combination of a first non-stored and non-transmitted parameter input at the mobile device and a second stored but non-transmitted parameter of the consumer mobile device.

In view of the claim amendments and remarks, withdrawal of the rejection of pending claims and allowance of pending claims is respectfully requested.

NEW CLAIM 37

New claim 37 is patentably distinguishing over Ferguson and Nordenstam by requiring a patentably distinguishing feature of independent claim 1, namely a mobile terminal "verifying a purchase transaction over the open and non-secure wireless communication channel based upon both the first non-stored and non-transmitted parameter input to the mobile device and the second stored and non-transmitted parameter of the mobile device, identifying the user to the STS device." Thus, new claim 37 is patentably distinguishing by a rationale discussed above in supporting patentability of independent claim 1. Allowance of claim 37 is respectfully requested.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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